

**CITY OF NEWARK
DELAWARE**

**PLANNING COMMISSION
MEETING**

July 10, 2012

7:00 p.m.

Present at the 7:00 p.m. meeting were:

Chairman: James Bowman

Commissioners Present: Patricia Brill
Angela Dressel
Edgar Johnson

Commissioners Absent: Ralph Begleiter
Peggy Brown
Kass Sheedy

Staff Present: Maureen Feeney Roser, Planning and Development Director
David Athey, Councilman, District 4
Mike Fortner, Development Supervisor

Chairman James Bowman called the Planning Commission meeting to order at 7:00 p.m.

1. THE MINUTES OF THE JUNE 5, 2012 PLANNING COMMISSION MEETING.

MOTION BY DRESSEL, SECONDED BY JOHNSON, THE MINUTES OF THE JUNE 5, 2012 PLANNING COMMISSION MEETING WERE APPROVED AS RECEIVED.

VOTE: 4-0

AYE: BOWMAN, BRILL, DRESSEL, JOHNSON

NAY: NONE

ABSENT: BEGLEITER, BROWN, SHEEDY

MOTION PASSED UNANIMOUSLY

2. REVIEW AND CONSIDERATION OF THE 4.455 ACRE PROPERTY AT 129, 147, 153 AND 163 ELKTON ROAD FOR THE REZONING OF .51 ACRES FROM BC (GENERAL BUSINESS) TO BB (CENTRAL BUSINESS DISTRICT) AND 1.312 ACRES OF RM (GARDEN APARTMENTS) ZONING TO BB ZONING, MAJOR SUBDIVISION AND SPECIAL USE PERMIT TO CONSTRUCT TWO MIXED USE BUILDINGS WITH LOWER LEVEL PARKING, 1ST FLOOR COMMERCIAL SPACE AND 36 UPPER FLOOR APARTMENTS, AND 32 TOWNHOUSE APARTMENTS.

Ms. Feeney Roser summarized her report to the Planning Commission that reads as follows:

“On July 28, 2011 the Planning and Development Department received applications and plans from Harold Prettyman for the redevelopment of the 4.455 acre properties that he owns at 129, 147, 153 and 163 Elkton Road. At that time, the applicant was requesting rezoning for portions of the site, major subdivision approval, and a BB zoning required special use permit for upper floor apartments to develop the site for approximately 17,000 sq. ft. of commercial space and 94 upper floor apartments. Subsequently, the applicant submitted a series of revised plans with the latest – now

before the Planning Commission – proposing the rezoning of approximately 1.82 acres of land along Elkton Road from BC (.51 acre) and RM (1.312 acres) zoning to BB zoning to accommodate two mixed use buildings for apartments and retail space. The mixed use buildings are proposed to contain 19,482 sq. ft. of retail space and 36 apartments. The applicant has also requested the required special use permit for apartments in the BB zone. The remainder of the site, which is approximately 2.63 acres in size, is proposed for 32 townhouse apartment units and zoned RM. The net increase in apartments at the site is proposed to be 28 units, taking into account the proposed 40 existing apartments' demolition.

Please see the attached Hillcrest and Associates rezoning, major subdivision and special use permit plans, building elevation drawings, and supporting materials. The Planning and Development Department's report concerning this project follows:

Property Description and Related Data

1. Location:

129, 147, 153 and 163 Elkton Road, extending to Winslow Road

2. Size:

4.455 acres.

3. Existing Land Use:

The portion of the site fronting on Elkton Road contains a vacant drycleaner, a laundromat, a vacant auto upholstery shop and College Town Apartments, which contains 40 apartment units in four buildings – with ten units in each. The balance of the site is open mowed lawn with a concrete pad running along the site's eastern boundary over a storm water culvert.

4. Physical Condition of the Site:

The South Main Street property is developed along Elkton Road and includes vacant mowed lawn at the site's southeastern portions. In terms of topography, South Main Street Plaza slopes steadily from its highest points at Elkton Road down toward the concrete culvert cover at its eastern boundary. The portion of the site fronting on Elkton Road slopes up from the culvert toward that roadway.

Regarding soils, according to the United States Department of Agriculture's Natural Resources Conservation Service and the subdivision submittals "Existing Conditions Plan," South Main Street Plaza's northwestern quadrant and a small portion of the site's northeastern corner contains urban land. The balance of the site contains Elsinboro-Delanco-Urban Land complex soil. The Conservation Service does not indicate development limitations for either of these soils.

5. Planning and Zoning:

South Main Street Plaza and Chimney Ridge is zoned BC and RM. The uses permitted within each of these categories are shown below:

BC zoning is a general commercial zoned that permits the following:

- A. Auction
- B. Automobile, truck, rentals, retail, and wholesale sales with special requirements
- C. Crating service
- D. Frozen food locker
- E. Ice Manufacture
- F. Sign painting and manufacture
- G. Warehousing with special requirements
- H. Wholesale sales with special requirements

- I. Photo developing and finishing
- J. Veterinary hospital
- K. Cleaning and dyeing plants
- L. Commercial laundries/dry cleaners
- M. Laundromats
- N. Outdoor commercial recreational facilities with special requirements
- O. Swimming club, private or commercial
- P. Social club, fraternal, social service, union and civic organizations, except on ground floor locations
- Q. Studio for artists, designers, photographers, musicians, and sculptors
- R. Offices for professional services and administrative activities
- S. Personal service establishments
- T. Finance institutions, banks, loan companies
- U. Retail and specialty stores
- V. Repair and servicing, indoor and off-site, of any article for sale, which is permitted in this district
- W. Related indoor storage facilities are permitted as an accessory use to any of the permitted uses in this district
- X. Accessory uses and accessory buildings
- Y. Restaurants, taverns, bakery-restaurants, and delicatessens
- Z. Public parking garage and parking lot
 - a. Parking off-street
 - b. Public transportation facilities, including bus or transit stops for the loading and unloading of passengers; station and depots
 - c. Street, right-of-way
 - d. Utility transmission and distribution lines
 - e. Water tower, water reservoir, water storage tank, pumping station, and sewer
 - f. Retail food stores up to 5,000 square feet in maximum floor area, limited to bakeries confectionery, candy, gourmet shops, small convenience grocery, and meat sales facilities. Goods produced on the premises shall be sold only on the premises

BC zoning also permits, with a Council granted Special Use Permit, the following:

- A. Automobile repair and/or service station, paint and/or body shop with special requirements
- B. Self-service car wash establishment with special requirements
- C. Automobile/motor vehicle repair with special requirements
- D. Automatic car wash establishment with special requirements
- E. Used car lots
- F. Retail food stores
- G. Fast-food and cafeteria style restaurants with special requirements
- H. Drive-in restaurants, with special requirements
- I. Drive-in and curb service for other than eating establishments.
- J. Substation, electric, gas, and telephone central office with special requirements
- K. Tower, broadcasting and telecommunications with special requirements
- L. Police and fire stations
- M. Library, museum and art gallery
- N. Church, or other place of worship, seminary or convent, parish house, or Sunday school building
- O. Instructional, business or trade schools
- P. Motels and hotels
- Q. Commercial indoor recreation and indoor theaters
- R. Adult bookstore/adult entertainment center with special requirements
- S. Restaurants with alcoholic beverages

RM is a multi-family garden apartment dwelling zone that permits the following:

- A. Garden apartments, subject to special requirements.
- B. One family, semidetached dwelling.
- C. Boarding house, rooming house, lodging house, but excluding all forms of fraternities and/or sororities, provided that: The minimum lot area for each

eight, or remainder over the multiple of eight residents, shall be the same as the minimum lot area requirements for each dwelling unit in this district.

- D. Nursing home, rest home or home for the aged; subject to special requirements.
- E. Accessory uses and accessory buildings customarily incidental to the uses permitted in this section and located on the same lot, including a private garage, excluding semi-trailers and similar vehicles for storage of property.
- F. Cluster or neo-traditional types of developments, included uses that many not be permitted in this district, as provided in Article XXVII, Site Plan Approval.
- G. One-family detached dwelling.
- H. The taking of nontransient boarders or roomers in a one-family dwelling by a family resident on the premises, is not a use as a matter of right, but is a conditional use subject to special requirements, including the requirement for a rental permit, and provided there are not more than three boarders or roomers in any one-family dwelling.
- I. Church or other place of worship, seminary or convent, parish house, or Sunday school building, and provided, however, that no lot less than 12,500 square feet shall be used for such purposes.
- J. Public and private elementary, junior, and senior high schools.
- K. Municipal park, playground, athletic field, recreation building, and community center operated on a noncommercial basis for recreation purposes.
- L. Municipal utilities, street rights of way. treatment plant.
- M. Temporary building, temporary real estate or construction office.
- N. Utility transmission and distribution lines.
- O. Public transportation bus or transit stops for the loading and unloading of passengers.
- P. One-family town or rowhouse subject to the requirements of Sections 32-13()(1) and 32-13(c)(1).
- Q. Student Homes, with special requirements

RM zoning also permits with a Council granted Special Use Permit the following:

- A. Conversion of a one-family dwelling into dwelling units for two or more families, if such dwelling is structurally sound but too large to be in demand for one-family use, and that conversion for the use of two or more families would not impair the character of the neighborhood, subject to special requirements.
- B. Substation, electric, and gas facilities, provided that no storage of materials and trucks is allowed. No repair facilities are allowed except within completely enclosed buildings.
- C. Physicians' and dentists' offices, subject to special requirements.
- D. If approved by the council, property in a residential zone adjacent to an area zoned "business" or "industrial" may be used for parking space as an accessory use to a business use, whether said business use be a nonconforming use in the residential zone or a business use in said adjacent area zoned "business" or "industrial."
- E. Police and fire stations, library, museum, and art gallery.
- F. Country club, regulation golf course, including customary accessory uses subject to special requirements.
- G. Professional offices in residential dwellings for the resident-owner of single-family dwellings permitted subject to special requirements.
- H. Customary Home occupations with special requirements.
- I. Public Transit Facilities.
- J. Private (nonprofit) swimming clubs.
- K. Day Care Centers with special requirements.

The requested BB zone would permit the following:

- A. Retail and specialty stores.
- B. Retail food stores up to 5,000 square feet in maximum floor area, with special conditions.
- C. Restaurants, bakery and delicatessens.
- D. Banks and finance institutions.
- E. Offices for professional services and administrative activities.

- F. Personal service establishments.
- G. Studios for artists, designers, photographers, musicians, and sculptors.
- H. Repair and servicing, indoor and off-site of any article for sale, which is permitted in this district.
- I. Related indoor storage facilities as accessory uses with special requirements.
- J. Accessory uses and accessory buildings.
- K. Public parking garage and parking lot.
- L. Public transit facilities.
- M. Social club, fraternal, social service, union and civic organizations, except on ground floor locations.
- N. Photo developing and finishing.

BB also permits, with a Council granted Special Use Permit, the following:

- A. Retail food stores with more than 5,000 square feet in area.
- B. Drive-in and curbside service for other than eating establishments.
- C. Fast-food restaurants with special requirements.
- D. Motels and hotels.
- E. Commercial in-door recreation and in-door theaters.
- F. Instructional, business or trade schools.
- G. Electric gas and telephone central offices and telephone central offices and substations with special requirements.
- H. Tower, broadcasting or telecommunications on existing buildings or structures with special requirements.
- I. Police and fire stations.
- J. Library, museum and art gallery.
- K. Church or other place of worship.
- L. Restaurant, cafeteria style.
- M. Apartments, except on ground floor locations, with special requirements.
- N. Restaurants with alcoholic beverages, with special requirements.

Regarding adjacent and nearby properties, the lands immediately adjacent to the south and eastern portions of the site on Winslow and Beverly Roads are zoned RS and contain single family homes. The RM zoned University Garden apartments, including a newly constructed eight unit addition to this subdivision, lie immediately north of the site on Beverly Road. A small commercial building and the Louviers Credit Union facility are located on BC zoned lands south of the portion of the site fronting on Elkton Road. A small BC zoned gasoline service station is located north of the site across Beverly Road on Elkton Road. The BB zoned mixed use Madeline Court buildings; the recently approved and now under construction BB zoned 136 Elkton Road project (the former location of the Eagle Diner and other businesses) and the BN (neighborhood shopping) zoned Pat's Pizzeria restaurant, all lie across Elkton Road from the South Main Street Plaza site.

Regarding comprehensive planning, Comprehensive Development Plan IV calls for "commercial (pedestrian/auto) oriented uses" at the portion of the site currently zoned BC fronting on Elkton Road and "multi-family residential" at the balance of the site currently zoned RM. Plan IV describes "multi-family residential" as multi-family housing with densities ranging from 11 to 36 dwelling units per acre. In addition, because the South Main Street site is now part of the Plan's "Downtown Economic Enhancement Strategy," the "District One-Downtown Core District," description also applies:

"This is the center of Newark's central business district that is intended as area to be redeveloped with first floor specialty and traditional retail shops, with a balanced concentration of food and entertainment. Apartments and offices are proposed for upper floors. Any additional apartments, however, must be carefully and closely evaluated in terms of their impact on downtown traffic and parking; their compatibility with existing downtown buildings in terms of design, scale and intensity of development; the contribution of the overall project, including proposed apartments, to the quality of the downtown economic environment; and potential significant

negative impacts on nearby established businesses and residential neighborhoods. Beyond that and particularly to encourage owner occupancy downtown, the City may consider reducing the permitted downtown density in the projects in this district for residential projects.”

Concerning gross residential density, please note that the South Main Street Plaza plan calls for 15.26 units per acre for the overall site (19.8 for the BB zoned portion) and 12.17 for the RM zoned piece). By way of comparison, other nearby and adjacent multi-unit developments have the densities noted below.

<u>Project</u>	<u>Units Per Acre</u>
Amstel Square	18.71
116 Amstel Avenue	14.29
100 Elkton Road	9.39
109 Elkton Road	21.66
119 Elkton Road	15.52
136 Elkton Road	12.02
Rittenhouse Station	14.58
University Gardens	18.04

Status of the Site Design

Please note that at this stage in the Newark subdivision review process, applicants need only show the general site design and the architectural character of the project. For the site design, specific details taking into account topographic and other natural features must be included in the construction improvement plan. For architectural character, the applicants must submit at the subdivision plan stage of the process color scale elevations of all proposed buildings, showing the kind, color and texture of materials to be used, proposed signs, lighting, related exterior features, and existing utility lines. If the construction improvement plan, which is reviewed and approved by the operating departments, does not conform substantially to the approved subdivision site and architectural plan, the construction improvement plan is referred back to City Council for its further review and reapproval. That is, initial Council subdivision plan approval means that the general site concept and more specific architectural design has received City endorsement, with the developer left with some limited flexibility in working out the details of the plan -- within Code determined and approved subdivision set parameters -- to respond in a limited way to changing needs and circumstances. This does not mean, however, that the Planning Commission cannot make site design or related recommendations that City Council could include in the subdivision agreement for the project.

Be that as it may, as the Commission can see from the rezoning, subdivision and special use permit plan and building elevation drawings, South Main Street Plaza and Chimney Ridge plan calls for the rezoning of two BC zoned parcels along Elkton Road totaling .510 acres to BB zoning, and 1.312 acres of the RM zoned land with Elkton Road frontage to BB zoning. The plan also calls for the demolition of the vacant drycleaners and laundromat at 129 and 137 Elkton Road, a vacant building (formerly an auto upholstery shop) at 153 Elkton Road and four ten-unit apartment buildings known as College Town Apartments. In its place, the plan calls for construction of two BB zoned mixed use buildings (connected by a one story retail space) along Elkton Road consisting of 19,482 square feet of first floor retail space, 36 apartment units built on three floors above the retail space, and another floor for storage and mechanical equipment, resulting in two five-story buildings along Elkton Road. 180 parking spaces are proposed to serve the mixed use buildings built on a surface parking lot (62 spaces) and a sub grade parking garage (118 spaces). On the remaining 2.63 RM zoned parcel, the applicant proposes to build 32 townhouse apartment units with four parking spaces each, plus four additional overflow parking spaces. The plan also proposes 12,164 sq. ft. of open space in the form of open turf, walking trails and fitness stations, and significant landscaping along adjacent RS zoned parcels to the south and east of the site.

Access to the site will be directly from Elkton Road.

The Planning Commission should consult the applicant's site plans, building elevation drawings and supporting materials for additional site design details. Regarding the proposed building facades, the Planning and Development Department suggests that the Planning Commission review the proposal based on the criteria in Subdivision and Development Regulations Appendix XIV(d).

Please note in this regard, that on a voluntary basis, the applicants reviewed the proposed building elevation drawings of a previous submittal with the Downtown Newark Partnership's Design Committee. As a result, the Committee recommended in favor of the project which at the time showed three separate mixed use buildings along Elkton Road, with one center five-story building and two mirror four-story buildings on either side. Because the rendition sent with the revised plan differs from the conceptual drawings reviewed by the Design Committee, the renditions have been sent back to the Design Committee. However, the Committee was not able to review the revised rendition prior to this report being prepared. The Design Committee will, therefore, either provide their revised recommendation (if there is a revision to their recommendation) for Planning Commission review the night of the meeting or subsequent to the meeting for Council review.

Traffic and Transportation

The Planning and Development Department requested that the Delaware Department of Transportation (DelDOT) review the proposed South Main Street Plaza and Chimney Ridge rezoning, major subdivision and special use permit plans. Their comments are summarized below:

- Cross access easements to the adjoining Market East Investments, LLC property (tax parcel #18-025.00-220) should be required. If the owner of that parcel is agreeable, a vehicular connection within that easement should be required as part of the site construction.
- Consideration should be given to providing pedestrian and bicycle connections from Chimney Ridge to Winslow Road and to University Garden Apartments (and from there to Beverly Road). Unless these boundaries are fenced, there will likely be pedestrian and bicycle traffic in these areas, so DelDOT recommends providing for it. DelDOT recognizes that an easement will be needed from the apartment complex for the connection to Beverly Road.
- The developer will be required to contribute funds toward DelDOT's Elkton Road project to cover the cost of payment overlay and sidewalk construction along the site frontage. The exact amount will be determined during DelDOT's plan review.
- The proposed development generates enough traffic to warrant a Traffic Impact Study (TIS) but few enough trips to qualify to pay the Area Wide Study Fee in lieu of doing a TIS. DelDOT recommends, while it is possible to do one or the other, the developer pursue the fee option. The fee associated with a development of this size is \$14,440.
- The developer must also submit plans to DelDOT for a letter of no objection.

Fiscal Impact Model

The Planning and Development Department has evaluated the impact of South Main Street Plaza and Chimney Ridge on Newark's municipal finances. The estimates are based on the Department's Fiscal Impact Model. The Model projects South Main Street Plaza and Chimney Ridge fiscal impact; that is, total annual municipal revenues less the cost of municipal services provided. The Planning and Development Department's estimate of annual net revenues is \$22,973.62. (Please note: There is no real estate transfer tax anticipated for this project which normally would increase the first year's net impact by significant amount because, in this case, Mr. Prettyman already owns all properties involved).

Subdivision Advisory Committee

The Subdivision Advisory Committee – consisting of the City’s Management, Planning and Development and Operating Departments – has reviewed the South Main Street Plaza and Chimney Ridge rezoning, major subdivision and special use permit plan and has the comments below. If necessary, the development plan for the site should be revised prior to its review by City Council. The Subdivision Advisory Committee comments are as follows:

1. The Planning and Development Department notes that the proposed land use at the site also conforms to the land use recommendations in Newark Comprehensive Development Plan IV.
2. Any final redesigned development plans for this site for City Council review must meet all the requirements in Zoning Code Section 32-18 for BB zoning and 32-11 RM zoning. In this regard, please note the developer received variances from the City of Newark Board of Adjustment on Thursday, June 21, 2011, for the following area requirements.
 - Section 32-11(a)(1)d, requiring a maximum building coverage of 20% for apartments in the RM zoning district, to allow a proposed building coverage of 22.3%.
 - Section 32-11(a)(1)f – requiring a minimum building separation of 25 ft. for unit groups in the RM zoning district, to allow a proposed 21 ft. separation between existing apartment building D and the proposed units 25, 26, 27 and 28 during phased construction.
 - Section 32-18(d)(7) requiring a minimum side yard in BB zoning (when it forms a boundary line with a residential district) to be equal to the minimum side yard of the bordering residential district (RM – 20’ minimum side yard), to allow for an 11 ft. side yard for the proposed mixed use building #1.
3. The Planning and Development Department notes that the scale on the plan needs to be corrected prior to Council review. The scale is actually 1” = 30 feet, but the note section indicates it is 1” = 50 feet.
4. The Planning and Development Department suggests that the Planning Commission recommend that the subdivision agreement specify that the proposed units be designed so that they can be easily converted into condominium units.
5. The Planning and Development Department suggests that the Planning Commission consider the following conditions of subdivision approval:
 - The architectural design for the proposed new building should be carried out on all portions of the facility visible from public rights-of-way.
 - Mechanical equipment and utility hardware and refuse bins be screened from public view with materials harmonious to the proposed architectural design or such equipment shall be located so as not to be visible from the adjoining streets or public right-of-way.
 - Exterior lighting and signage be designed as an integral architectural element of the proposed architectural façade. All such lighting to be shielded to limit visual impacts on adjoining residential properties.
6. The Planning and Development Department indicates that a subdivision identification sign should be shown on the plan.
7. While the height of buildings in the BB zone meet Code Section 32-18(c)(4)(a) the Planning and Development Department notes that concerns may be raised regarding the height of the mixed use buildings (5 stories) in relation to the other mixed use buildings (2 and 3 stories) on the street. The Commission may wish to discuss a building height reduction with the applicant at the meeting.

8. The Planning and Development Department notes that for the RM portion of the plan a total of four individuals may reside in each; no such restrictions apply to the 36 BB zoned three-bedroom units. To be consistent and to avoid overcrowding of units in BB, the Commission may wish to recommend that South Main Street Plaza be deed restricted to a maximum of total tenants equivalent to a multiple of the number of units eventually approved by Council. Again, the Commission may wish to discuss this matter with the applicant at the meeting.
9. The Water and Wastewater Department has the following comments:
 - Water meters are required for each apartment unit and must be paid for by the developer.
 - The STP fees for each building are due at the time of the issuance of the first CO for that building.
 - Meters shall be centrally located.
 - Cross access agreements for utilities and maintenance will be necessary between the two parcels.
 - An analysis of the sewer system along Beverly Road will be necessary to determine sewer capacity to serve the project. A sewer system analysis may also be necessary for Elkton Road. These analyses will be required through the construction improvement plan process.
10. The Electric Department has the following comments:
 - The cost of remotes will be paid for by the developer.
 - The developer must pay \$43,000 towards the cost of radio read meters, transformers and underground high voltage cables and other materials.
 - The developer shall supply two 4" PVC conduits for underground cable.
 - The electric meters must be placed in the central location with switched gear approved by the Department.
 - A suitable location for a pad mount transformer and sectionalizing cabinet needs to be found and shown on the plan.
 - The developer must pay for line hose covering for the aerial wires along Elkton Road, if needed, during construction. The lines cannot be deenergized.
 - The developer must pay \$350 for each commercial radio read meter.
11. The Parks Department indicates that:
 - ADA compliant hard surface connections from proposed new sidewalks to the existing sidewalk to the east are required.
 - Requirements for active recreational space have been met through the fitness stations, walkways and open turf. Open space must be maintained as a smooth turf play area.
 - Detail for the connection of the existing walkway with the walkway at Wilson Road needs to be shown on the plan and, also needs to meet ADA requirements. (Please note in this regard, while the developer's work session meeting with members of the surrounding community indicated that the public was opposed to a sidewalk connection between Elkton and Winslow Roads, the Parks Department believes that the concrete culvert will be used as a sidewalk connection between Elkton Road and Winslow Road through the property regardless of the developer's intent, and, therefore, recommends the connection. The connections are also recommended by DelDOT). The Commission may wish to discuss this matter with the applicant at the meeting.
 - Changes to the trees proposed and the landscape plan are necessary. The developer should meet with the Parks and Recreation Department to discuss the matter prior to Council review.

12. The Code Enforcement Division of the City of Newark notes the following:

- All buildings shall be designed in accordance with the current International Building Code as amended, in affect at time of submittal for plan review.
- House/building numbers are required to be visible from the street, minimum 1" stroke, 4" high.
- All new homes/buildings must have a sprinkler system.
- Because of the size and number of units proposed, an onsite property manager will be necessary.
- Demolition permits will be required. Hazardous materials must be removed prior to demolition.
- All buildings must comply with accessibility standards.
- All buildings must comply with LEED based energy conservation requirements as adopted by the City of Newark.
- The cart way behind buildings #1 and #2 must be a minimum of 16 ft. wide.
- Two complete sets of architectural/structural drawings with details in sections will be required to be submitted for construction review documents at the CIP phase.

13. The Newark Police Department indicates:

- Department has concerns with the large increase in pedestrian and vehicular traffic along the Elkton Road corridor and in the adjacent residential neighborhoods, as well as the impact on parking resulting from the project.
- The Department also raised concerns about increased calls for service, especially in regard to "order maintenance" issues.

14. The Public Works Department indicates:

- The plan shows a 25 ft. easement running along the east side of the property on the concrete culvert. The recorded easement is actually 35 ft. A 25 ft. easement is acceptable to the Department along the boundary of the existing RS zoned parcel owned by the developer on Beverly Road (tax parcel # 18.025.00.214) only, provided the developer grant a 20 ft. easement along the southern and western boundaries of that tax parcel. For the remainder of the site, the 35 ft. easement shall remain in place. In other words, for approximately 70 feet from the University Gardens property line southwest along the concrete culvert, the easement shall be 25 ft. wide (provided additional 20 ft. easements, as described above are granted on tax parcel 18.025.00.214), and the balance of the easement shall remain 35 ft. The agreed upon revised easements must be shown on all future plans, and documented as part of the subdivision agreement.
- The trash collection on the site for both commercial and residential refuse will be through a private hauler.
- The turning radius existing from the underground garage onto the ground level fire lane needs to meet AASHTO requirements. In addition, a right turn only sign at the exit for the fire lane will be required.
- More information will be necessary on how drainage is provided for the lower level of parking.
- More information is needed on how the stacked parking on the lower level will be managed.
- If sidewalks are to serve as public walkways, they must meet the ADA guidelines.
- The developer will need to verify that Elkton Road drainage will not drain into the site.
- Catch basin #4 is shown in the footprint of the garage. More information regarding how it will be installed will need to be provided to determine if it can remain at this location.
- The handicapped ramp south of building #15 should line up with the ramp for building #14.

- The Department has detailed questions about the stormwater management plan that will need to be addressed.

Recommendation

Because the proposed South Main Street Plaza and Chimney Ridge rezoning of .510 acres from BC to BB and 1.312 acres from RM to BB conforms to the land use guidelines in Newark Comprehensive Development Plan IV, because the proposed South Main Street Plaza and Chimney Ridge subdivision conforms to the development pattern in the immediate vicinity of the site and because, with the Subdivision Advisory Committee suggested conditions, the South Main Street Plaza and Chimney Ridge will not have a negative impact on adjoining and nearby properties, the Planning and Development Department suggests **that the Planning Commission make the following recommendations:**

- A. City Council approve the rezoning of the .510 acre at 129 – 147 and 153 Elkton Road from BC to BB and the 1.312 acres at 163 Elkton Road from RM to BB, shown on the attached Planning and Development Exhibit A dated, June 18, 2012; and,**
- B. City Council approve the South Main Street Plaza and Chimney Ridge Hillcrest Associates Major Subdivision Plan dated July 20, 2011 with revisions through April 18, 2012; and,**
- C. That City Council approve a Special Use Permit for apartments, as shown on the Hillcrest Associates plan dated July 20, 2011, with revisions through April 18, 2012.**

The applicant is here. I will be happy to answer any questions the Commissioners may have for me.

[Secretary's Note: The applicant, Commissioners and public refer to visuals brought by the applicant for their presentation to the Planning Commission].

Mr. Bowman: Are there any questions for Maureen from Planning Commission members?

Maureen, I have one under Traffic and Transportation. Can you clarify for me what the fee option is as opposed to doing a traffic study?

Ms. Feeney Roser: There is an area wide study fee that DelDOT has developed in lieu of doing a site specific one. They do the study and then charge the developer for including his portion of the property in it.

Mr. Bowman: So, it is \$14,500 approximately, going into a pool somewhere is what you are telling me.

Ms. Feeney Roser: Yes. It is up to the developer as to how he wants to proceed with that.

Mr. Bowman: That may not necessarily answer any particular questions about traffic impact on this particular project.

Ms. Feeney Roser: DelDOT has looked at the plan and determined, while there will be an impact, they don't think it will generate enough trips to need its own study.

Mr. Bowman: The applicant is here. Please state your name and address for the record please.

Ms. Lisa Goodman: Young, Conaway, Stargatt and Taylor. I am here on behalf of Mr. Prettyman and his family who are here this evening. Also here is Matt Longo who is the engineer at Hillcrest Associates along with Rick Longo and Barry Stingel also of Hillcrest Associates.

I am going to walk you through this and make it a little simpler. I want to thank the Planning and Development Department. They have been incredibly gracious in reviewing six plans, and it has been complicated and it has been a moving target. We are really pleased with the plan we have here tonight and more importantly, we believe that the community as a whole is pleased. And, that is a good thing. So, we want to walk you through it. I know we have representatives of the community here who will speak for themselves as well.

As Maureen indicated, we are here seeking a recommendation for subdivision approval, a partial rezoning and special use permit for two buildings along Elkton Road that will have mixed use buildings, and then for 32 townhouse units to the rear. So, the general overall development idea here is to have commercial and apartments along Elkton Road because that is consistent with Elkton Road, and then to have townhouses in the rear closer to the RS zoned single family homes because that is more consistent with them. That makes sense and is what zoning is all about.

Let me give you a little background. The project began over a year ago when Mr. Prettyman brought his first plan and filed it with the City and it was, of course, to redevelop the College Town Apartments. As Maureen indicated, the total site that we are talking about tonight is 4.45 acres which, if you think about it for the City, is really big. If you recall, when you heard from me about Rittenhouse Station out here, the redevelopment of the Diver Chevrolet [Secretary's note: Rittenhouse Motors] site, that is even a smaller site. So, this is a really big site for the City. There are two parcels along the road that are currently zoned BC. So, that is a very high commercial designation. And, we are actually seeking to down zone those parcels, so to speak, to BB to allow us to make less intensive use of them. And the rear of the parcel is already zoned RM. So, we are not going to change the rear. We are going to down zone the front from BC to BB and zone a little bit of the RM to BB. So, what we will be left with is a portion approximately here in the front—this is Elkton Road – that will be zoned BB and then we will leave the rear zoned RM.

Currently, the site has four buildings on it. I am sure you all know it well – College Town Apartments – totals 40 units. They are old. They were built in 1961. And, you can see that they are old when you drive by them. They were bought by UD in the mid 1970s for student housing and they were sold to Mr. Prettyman in 2003. It is time to redevelop them. The good thing about the redevelopment of Elkton Road and Newark in general is that it makes everybody else up their game. When there is a beautiful something next to you, you think it is time to develop. By comparison, that is a good thing. It brings everybody up. And it is clear it is time to redevelop this site.

In an attempt to design the best plan, Mr. Prettyman has been through six iterations counting the final plan that is in front of you tonight. There is actually a proof of that on the plan tonight. The plan tonight in front of you says five stories. It is actually four, and the five stories was from a prior plan. It is actually four stories with a peaked roof. We will talk you through that as we get there. That was actually hung over from a prior plan. These six plans ranged from a very large complex with structured parking to a by-right plan that required nothing but subdivision approval and was only townhouses – lots of them. On March 7th of this year, we took that by right plan to a community meeting that was held in this room. Councilman Athey kindly facilitated that meeting. We had 50 or 60 folks there. I am pleased to say, as is not often the case in other places, in Newark, community meetings are often a pleasure and this one was. We showed the plan to the community. Not the plan you have in front of you, but a by-right plan and they were told that it was by-right, that it required no zoning changes, no variances, no special use, we could just do it, essentially. And, they had great comments on what they didn't like about the plan. That is why we were there, to hear what they had to say. So, here are the main things we heard:

1. They felt that the townhouses were too close to the houses on Beverly Road. They wanted more landscaping between those townhouses and their houses – perfectly reasonable. They wanted Mr. Prettyman to go back to an earlier version of the plan and cluster the development up on Elkton Road. They felt that was more appropriate.

2. They wanted no access for pedestrians to Winslow Road. There was a lot of concern that that would be intrusive to their neighborhood. And, you heard what DelDOT said and what the Department said. I will tell you our position on that right now is, we hear the community loud and clear and, frankly, we will do whatever the Department makes us do because they get the final shot, but we are sort of with the community on this. We are perfectly happy to have no access. We said, look, we are here to do what you guys want. Ultimately, we are bound by what the City says but we heard them loud and clear on that.
3. The big thing we heard is move the density to the front of the plan. So, Mr. Prettyman listened and he did what, I think, every person wants every developer to do. He pulled the plan from the Planning and Development Department and he went back and redesigned it again. That is the plan you have in front of you tonight. So, let me walk you through that.

The first thing that this plan does as we heard from the community is, it clusters the development along Elkton Road. You have these same plans in front of you as well. So, these buildings cluster apartments and retail along Elkton Road and then there was a reduction by ten of the number of townhomes and they were moved considerably further away from the houses on Beverly Road which allowed for lots of landscaping in between the Beverly Road houses and the townhouses. In addition, originally there were sidewalks leading down to this box culvert, and the folks who live in the community said they really didn't want that. They were afraid, again, of lots of noise and they didn't want to encourage people to use that box culvert as a sidewalk. We understand that some of it is being used that way now, but they felt they didn't want to make it more of a throughway. So, we heard them and you can see that we took those connections out.

Let me talk to you a little bit about the specifics. The idea here was to match the feel of Elkton Road at the front. So, once this new plan was done, we took it to Kate Robbins, who is here tonight, who really became the community spokesperson or at least our main contact and the neighborhood liaison with Mr. Prettyman. We got feedback from her and I think that she got feedback from us – I know you are going to speak on your own – that we felt was very positive so we decided to move forward with the plan. Now, this new plan did require some minor variances and we had great community support when we went into the variances. We had, actually, 11 different letters of support from the community and no one spoke in opposition, which is awesome. They were very minor variances. So, that happened on June 21st.

Let me talk you through what the buildings are actually proposed to look like and how they are proposed to be designed. This surface parking lot and this building are actually designed so that under them will be parking. We are going to try to turn Newark more into a real town that can support, in effect, subterranean parking. So, this will be a parking lot under a parking lot and partially under the building. The parking under the parking lot in the building is designed to be for the tenants because they will know how to get into it and they will have a place to keep their cars and, of course, you won't see those cars. Then the surface parking, which is hidden from Elkton Road, will be for the commercial tenants of the building. So, essentially, it is a two-for-one and it is totally hidden from view. We think that is very exciting because I think it is the first time in Newark that that is being done, at least to my knowledge. These buildings all have inside garages and you can see that we have exterior parking as well. So, we are more than Code compliant in parking, which is great.

Let me start with the elevation for what we are calling South Main Street Plaza. Imagine under the rear half of this building there is subterranean parking. Then, on the first floor we have Newark retail, specialty shops, entertainment, food, etc. – what makes a vibrant South Main Street. Above that are three proposed floors of apartments. So, that gives us four stories. What we have chosen to do from a design perspective is not have a flat roof. If you think about driving along Elkton Road right now what you see are lots of buildings with flat roofs, and some of them are very pretty. I am going to speak for Rick now, who I think is an awesome architect. Because Elkton Road is being developed almost all at the same time relatively speaking, in a relatively short period, what Rick, I think, didn't want to see was in ten years you drive down Elkton Road and you think everything

looks alike. That is not really a vibrant feel for what you want for a city. So, the thought here was to do a peaked roof. The dormers you see in this peaked roof are fake in the sense that it is not living space. That is purely a design feature. That is why it looks like it is five stories but it is really four. We can talk about the design idea, but the Design Committee has now looked at it twice and liked the idea of it being different. The other thing that is different than up on Main Street is this building has a 20 ft. setback. It is not like Main Street where you feel like you are very close to the building. There is quite a bit of space between the building and the street. So, that allows us to do this more pointy look and have a different feel for Elkton Road. That is the theory on that building. We really think it will add interest to the street. The density is as you heard Maureen say and as you have seen in her report very, very consistent. In fact, it is under what a number of the other buildings are. It is 15.26 and there are projects that go up over 20 and some that are 14, but in general it is pretty much right there at the spot where projects have been.

The townhouse elevations – again, Rick Longo is known for this – very, very different in elevations. They are not just cookie cutter. They are different in the sense that they project out and then they pull back. You can see that they have three different types of materials. They have siding, they have stone, and then they have a stucco type material. They have very different angles, roof lines, and feel. Someday, when the market changes – and I think that we all know that someday it will change – they are really well suited to be converted to owner occupancy. The same with the rear. They are all different in terms of different feels and materials. They all have garages and there is plenty of exterior parking as well for guests, etc. And, again, the Design Committee voted in support of these.

The one thing that I did want to talk about and clarify is the total open area for the site, Maureen notes in her report that it is approximately 12,000 square feet and she is absolutely right for the BB portion. When you add on the RM piece, the overall portion of open space is actually an acre and a half or 1.53 acres. So, we are very tickled with that. Since we are sort of viewing this as one unit, I wanted to be sure to point that out as well.

Let me talk briefly about the legal standard for the special use permit. We don't think this will have any adverse affect on health or safety. We think it is very consistent with Elkton Road and the type of development the City wants. It is not detrimental to public welfare. We believe the community is in support and, again, they will speak for themselves. And, certainly it is consistent with the Comprehensive Plan. And, it is well designed someday to be converted to condos. We think that having the underground parking for the apartments is really what a person who will be looking to buy a condo type non-townhouse would want. They would want a safe underground out of the weather place to store their car and get out of their car and go straight into their apartment.

I am happy to answer any questions.

Mr. Bowman: Are there any questions for the applicant from the Commission?

Ms. Dressel: I'm not sure I understand the South Main Street section of the building. There are two buildings with apartments above, but then there is one section that is retail space.

Ms. Goodman: Right. Basically, there are two buildings joined by a little section of one-story retail. Again, it is just for visual interest so that you don't drive down Elkton Road and everything is the same. But, basically, we thought it made sense to have a break here so that you didn't have a long wall. Again, visual interest.

Ms. Dressel: I am glad that you explained the parking because I was very confused by where the underground parking would go. Thank you also for the explanation about the four stories with the pitched roof. Does that mean then – and I think it does based on this other diagram – that in the back it is also a pitched roof but in the center it is a flat roof so that you have all of the equipment there?

Ms. Goodman: Yes. Correct. On many of these roofs you have fake parapet roofs to hide the mechanicals. We felt this, again, was a different design feature. It serves the same function.

Ms. Dressel: The comments from the Building Department was the 35 foot easements. Has that been corrected or is there a discrepancy here?

Ms. Goodman: There isn't. It is complicated and I think we and the Public Works Department and the Planning and Development Department are all in agreement about working it out. The brief issue is, there is a 35 ft. easement here to maintain this box culvert, but because of the way we angled these to get them away from the community and at the community's request were a little bit close here. Luckily, Mr. Prettyman owns this lot – I'm over simplifying this a little bit – so he is going give an easement on this side so the City can get to this. We are basically changing it around, but I think everybody is happy with it.

Ms. Dressel: At Mr. Prettyman's property there, that is where it will be lower but then the rest of that easement will be 35 feet all the way around the property?

Ms. Goodman: The property that is going around the property is this, so there is going to be an easement here and then an easement out to the street so the City can get in. That is what the "all around the property" part is talking about. It really is complicated. But, then the easement will continue along here so the City will have full access to maintain that box culvert, which is really what the City is concerned about.

Ms. Dressel: Is the rest of that easement 25 feet or 35 feet?

Ms. Goodman: It is going to be 35 feet.

Ms. Dressel: So, then behind these other residences on Winslow, that is also 35 feet behind the first row of townhouses?

Ms. Goodman: No, there is no easement there. There is no stormwater culvert there.

Mr. Johnson: I have a question about a five story building that looks like a five story building but isn't a five story building. Can you tell me what the height of your fake five story building is compared to a real five story building?

Ms. Goodman: I'm going to give you the terrible lawyer answer first, okay? The answer is, it depends. And, here is why. This building is going to be approximately 54.4 feet high to the very, very tip of the roof for the mechanicals. The reason it depends is, we used to be able to say that people like an eight foot ceiling and we know how much room we need in between the floors to run the ducts. So, we used to know how many feet a story was. You could say a five story building is 50 feet tall. Well, today people like higher ceilings and also today we have to cram every kind of communication conduit between floors so you need a lot more space between floors. Today, theoretically, you could end up with a three story building that is 60 feet tall. We don't do that in Newark, but I'm just saying. So, I don't know what it would be if it were five stories that were all occupied. It would be taller, but here the proposal is 54.1 feet. But, that is four occupied floors and a fake space for mechanicals.

Mr. Johnson: From West Park Place all the way up to Delaware Avenue all the buildings are three stories. I salute you with the idea that everything shouldn't look the same, but I worry about it looking so different that it not be pleasing to the community and to passersby.

Ms. Goodman: Here is my suggestion. Mr. Prettyman just built three townhouses on Cleveland Avenue. They are really pretty. They look different than the houses that are on Cleveland, but we have heard nothing but positive things about them, and I think they will start the redevelopment of Cleveland Avenue as well, which is a good thing. The University buildings are, I think, somewhat taller. But, you are right, it will be different. I guess we think that is a good thing, but I hear you.

Mr. Johnson: Well, that is your perspective.

Ms. Goodman: Absolutely.

Mr. Johnson: The fact is that if you are going to have four occupied stories then you are going to have additional foot traffic, pedestrian traffic and so forth.

Ms. Goodman: Three stories of apartments and one occupied by retail. So, there will be foot traffic for the retail. Sure there will be.

Mr. Johnson: You talk about subterranean parking, and I look at your plot plan here. How is that accessed?

Ms. Goodman: It is hard to show this on a flat drawing, but if you look where I am showing you, there is a ramp here and that ramp actually takes you down into the parking and out.

Ms. Brill: First, I want to say I love the looks of these buildings and I love the design and the materials on the exterior. My only question is, how are you going to manage the drainage on the subterranean parking. I was at the site today and the whole area just slopes down.

Ms. Goodman: I'll give the simple version then if we need to, I will bring the engineer up. This whole area is also part of the plan and is designed to be the stormwater control. So, the water will all be directed, as the site already basically flows, here and will be controlled for both quality and quantity basically here in this area. So, right now the site has, basically, no stormwater control other than some gutters. One of the good things you get when you redevelop an old site is you get stormwater control. So, instead of water rushing off uncontrolled and untreated, you get the same water controlled and treated and released slowly over time so that it doesn't flood downstream. So, the short, simple answer is, this is the area where this is going to happen.

Ms. Brill: So, that will be the playfield also?

Ms. Goodman: It won't be wet. It will be like regular grass and it will be designed with the right media so that it will, essentially, infiltrate the water back into the water table.

Ms. Brill: Also, if the residents don't want a walkway going around the drainage, how do they anticipate the students going to the University.

Ms. Goodman: Right now there is a fence here for University Garden Apartments because they are under construction and that fence has stayed up. We think that fence is under the control of the City, but we are not sure. I will tell you that our position on it is, we want to please the community and if the students have to walk a little farther, then they have to walk a little bit farther. So, if the community wants this fenced, Mr. Prettyman is happy to do that for the community. We are going to be governed by what the Department says as any developer will be. So, that is the short answer. You are right. If they can't go through here or here, they are going to have to walk out to Elkton Road. So, that is the source of the discussion that you are hearing between the Department and DelDOT and the community and we are sort of in the middle saying, "whatever you guys want us to do."

Mr. Bowman: 54.1 feet, how does it compare with other structures on Elkton Road height wise in feet not in stories?

Ms. Goodman: I am not sure I can tell you in feet. I would have to go back and look. Maureen may actually have a better sense than I do. I will tell you that I know I have done three story buildings and I can't remember whether it is on Elkton Road or Main Street that are forty feet and they are typically townhouses where you pull in and you have parking and then you have three stories of living space. So, you can get a single family townhouse that is forty feet tall. I am sorry, I do not have in my head what the other buildings are.

Mr. Bowman: I was just trying to get a comparison that is a little more meaningful than the number of stories. Are there any other questions from the members of the Commission? If not, we will open it up to the public. If anyone cares to comment on this project, you need to come to the microphone, state your name and address and the Chair will reserve the right to not let you ramble on from now to Dooms Day.

Ms. Goodman: Mr. Chairman, let me just add one thing about the height, and that is, this plan was sort of a very careful balance of trying to do what the community needed by getting the development up front. The height for us is what makes the plan work because it

is what gets those units away from the community. So, if this body has a real serious height issue, bring me back up and let's talk about that because we don't have the luxury of whacking off a floor. We would have to go back and do a totally different plan and I don't know if the community would like it.

Ms. Kate Robbins: I live at 216 Beverly Road in Newark. My house butts up against the property that is about to be developed. I am the person, who along with the Councilman, put together the meeting. I went to 120 of my neighbors' houses and 60 of them came and others would have come but they were out of town. People were really deeply, deeply concerned about the development of what we have all enjoyed as a beautiful empty field, but we know that living in the City that things are going to be developed and we were really delighted by the changes that the Prettyman's made to the plan. They didn't have to and they did, and we are really thrilled with what they did. The only reason that I am here talking to you is we are deeply concerned about the access onto Winslow Road because we feel that if all those people are funneled onto Winslow, that it is really going to change the feeling of our neighborhood. I went to the houses on Winslow and to my neighbors on Beverly that are adjacent to the property and I have a petition saying that we support the plan, but we support it as we saw it here on the illustration, which is that the culvert is not a sidewalk. The culvert is the culvert.

Right now that is a big empty field, so people naturally walk along the only paved part of it which is a culvert. When there is a big development there unless you make it obviously a walkway with steps, I don't think people are going to be as inclined to walk along it. And, it is easy for DelDOT to say that this is going to be a natural path, therefore, put stairs and make it a pathway. But, DelDOT doesn't live where we live and we really don't want it. I talked with Rich Lapointe in Public Works and he does not want the culvert to become a pathway. And, I went with Michael Fortner and spoke with Charlie Emerson who had originally suggested that it possibly be a path and I think he is now open to it not being a path. When you mentioned that the Police said they had a concern for traffic in the neighborhood, I think that if there is a pathway there that that is a really valid concern. Students party and I don't want them drunk and falling down on my lawn. I know that my neighbors feel the same way.

Mr. Jim Dunson: 202 Winslow Road which is there and Kate lives there, just to put it into perspective. I am a signer of the petition that Kate has just delivered and all of the neighbors that I have spoken to are pretty much of the same opinion. I have somewhat different reasons for being opposed, perhaps, than some of the others. I have, perhaps, lived there longer than most of them have also. My primary concern is, I am an engineer and I have had a lot of discussions with the applicant's engineers on the stormwater issue, which I think they have done a good job with addressing but I am not completely sure that it is fully appreciated how wet that area can get in stormy times. One of the interesting things in the spreadsheet that I gave the City and I think you got a copy of it ultimately of dealing with the capacity of the culvert was how much rain do we get and how frequently. And, interestingly enough just a couple of weeks ago on June 12th we had a 100 year flood on Winslow Road. This was the night that it pretty much washed out Cooches Bridge and if you were out that evening, which I was just to see how high the water was, there were breaking waves coming down Winslow Road. This only happens about every other year but it does happen. This is one of the things that makes the walkway at best ephemeral access unless you are capable of wearing water wings. That is something the engineers can arm wrestle over. I am submitting my calculations and they have held up.

One of the noticeable things over the years is that we have a tendency of people to camp out in our bushes. Kate has seen this, Mrs. Manogue has seen this, I have had this and all of us have needed to do a certain amount of pruning to open things up so that we don't get squatters living in the bushes. One of the beneficial side effects of having access down through here is that that would tend to diminish the homeless people and the people who are looking for a party time, some place to stay. One of the consequences of not having it here is that there is going to be more security because we are, in effect, creating some cul-de-sacs. So, I just remind people that for every beneficial reaction there is a corresponding challenge. I don't see this as being a major issue, but one thing I have already discussed with young Prettyman, who lives here, is the lighting situation. We have a new apartment in the corner here and they put in some pretty good security lighting. It really lights up his

backyard and it really lights up my backyard. This is the kind of thing we are going to need once this goes in. We are going to need security lights along the rear here and we are going to need them along the rear here. This is one thing that we are aware of and I regard this as a beneficial thing in the sense that it tends to diminish the camping out of the homeless.

I really like the idea of the underground parking on the South Main Plaza. Here, again, security is going to be a challenge that we are going to have to deal with because any of you that have lived in Newark for awhile are aware that we have a core of chronic homeless people and they will find any space that is out of the weather, out of sight and use it for housing. This is the reality. We have a Code Purple winter shelter that the churches here in town sponsor and we have been getting 15 or 16 people a night on cold nights in Newark for the last five years. Different people. It rotates. There are about five or six chronically homeless people here in town and there is another 15 or 20 that change. So, I strongly support the plan as it has been presented. I think it is a major improvement. I congratulate you and your engineers on a job well done, but I don't like the idea of having this as a path, I think, on balance there are too many unhealthful things relative to the healthful things.

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Ms. Vicky Cassman: 228 Beverly Road – right at the corner of Winslow and Beverly. I happen to walk to UD everyday from my location and I will tell you that the students will not be coming this way because UD is that way and that way. They will be going through the apartments most likely. That is where they are going to be going every day. That is where I go every day. So, this access to Winslow is not going to be a particularly needy thing for the students in the first place. They might get to the shopping center but I think it would be just as handy to go out Elkton Road. So, I don't think that that sidewalk is actually that necessary for the residents of that area.

Mr. Bowman: If no one else wants to comment, we will bring it back to the Commission members for comment and we will go from there.

Ms. Brill: What is the height of Chimney Ridge?

Ms. Goodman: 35 feet.

Ms. Feeney Roser: I have a question for the applicant. The sidewalk connection, is it possible to have a sidewalk behind Building #1? The concern being that someone who is in the townhouses who wants to go to the University is going to have to walk all the way round Buildings #1 and #2 since there is a one story connector. Is there enough room to have a connection out to Beverly between the apartments and Building #1?

Mr. Barry Stingel: I am a landscape architect with Hillcrest Associates. Yes, there is. The issue, I think, might be more of a grade issue. It gets a little steep right back here. The grade is a little steep from the back corner of Building #1. You might be able to put steps there but it wouldn't be ADA compliant.

Mr. Johnson: Lisa, you talked about the South Main Street two buildings, the setback is 20 feet. The drawing I have in front of me looks like it changes. Is it 20 feet at the widest or 20 feet at the narrowest?

Ms. Goodman: It is 20 feet at the narrowest. It is no less than 20 feet. It is because even though Elkton Road looks like it is straight there, the right-of-way isn't. It is no less than 20 feet.

Ms. Brill: On the South Main Plaza apartments, for the three stories of the apartments above the stores, you are going to have 12 apartments per floor, is that right?

Ms. Goodman: Yes, that is right.

Ms. Brill: How many students are going to be in each apartment?

Ms. Goodman: That is a great question. The answer is we don't know exactly because we haven't done the internal floor plans yet. But, what we do know is that Mr. Prettyman is

going to do something with this project with one very limited exception that I don't think anyone else has ever done. He is going to permit only one tenant per bedroom. Now, there is one exception. There may be, because of how it lays out, a couple of one-bedroom units. So, if a couple wanted to rent that, he would let there be two people in that. But, other than that, one person per bedroom.

Ms. Brill: If the Commission were to vote that two stories would be more pleasing not three for the apartments, where would you lob off the parking, perhaps?

Ms. Goodman: Here is the truth. We couldn't do the plan. The subterranean parking is expensive. In order to cluster everything up front, we would have to go back to the drawing board. What we could do, if you think aesthetically it would look better, is we could take the dormers out of here. So, in other words, those dormers don't really do anything except for aesthetics. They are what make it look like five stories as opposed to four stories. If you would like us to take the dormers out, we could do that. We still need that space for mechanicals and if we lop off a story of apartments, it doesn't pencil out. The numbers don't work.

Ms. Brill: If you lobed off a story, you wouldn't need, maybe, all the mechanical that otherwise you would need.

Ms. Goodman: Unfortunately, it just doesn't work that way.

Ms. Feeney Roser: Lisa, my understanding that the top floor was going to be storage and mechanicals and later we heard that the mechanicals were actually on the roof itself.

Ms. Goodman: The mechanicals are in there, correct?

Mr. Rick Longo: I am the architect. There may be areas in that roof so that you don't see those mechanicals but they need ventilation so we may have to notch out the roof.

Ms. Feeney Roser: But the mechanicals themselves are within the mansard section, so you couldn't just take the mansard look and move down a third story because there are actually uses.

Mr. Longo: No, then you would see all the mechanicals and everything.

Mr. Johnson: Lisa, when you met with all the neighbors, did anyone have an objection to the height of the building?

Ms. Goodman: Here's how we did it. When we had the big meeting, what the folks saw was the by-right plan, which was all town houses and that was the plan they didn't like. When Mr. Prettyman went back to the drawing board and came up with this plan, he walked the plan over to Kate and to a number of other folks. So, they all saw this and certainly the folks that signed the petition have all seen it. They are all aware of what this design is. I guess the answer is yes, but it wasn't at that community meeting. That was where we got their comments on the by-right plan, which was townhouses spread throughout the whole site.

Ms. Brill: Just to review, how many parking spaces are subterranean?

Ms. Goodman: 118. It is pretty big.

Ms. Dressel: The cross access easement to Market East, I don't know what the necessity is of that.

Ms. Feeney Roser: It is vehicular access to the site.

Ms. Goodman: It is just a provision for future development. That is a little piece that Mr. Prettyman doesn't own. What it is saying is, if that piece ever develops, we agree that they can have cross access with us and when they come in, Maureen will make them say that we get cross access with them.

Mr. Bowman: Are there any other questions? If not, we are at the stage where the Chair will entertain a motion.

Ms. Dressel: First of all, I would like to say that I like the look of this plan. I like the diversity of the building and I know you built the property on Cleveland Avenue and that is beautiful. If you want to rent, that is where you should go. And, I appreciate the explanation of that top floor of the building. Because it is hiding everything I am okay with the height because it is not residential, because it cannot be developed, right. Is that what we will understand?

Ms. Goodman: Right.

Ms. Dressel: That section cannot be developed, cannot be rented, and that it is just a façade. I think it adds interest to that section of the street because it has gotten a little bit boring. That was one of my comments in the past about the UD parking garage that had come so close. It is just dull. And, I am not sure about this culvert idea. I think I am okay either way. I think it is up to the City if that is a necessity or not. It seems to me the more important walkway would be through to the other apartments, and I think seeing that there is a walkway here and a walkway coming to the street is more in the direction that the kids would be going.

Ms. Feeney Roser: There was not agreement amongst staff about that. Ms. Robbins alluded to it. She met with Charlie Emerson and he wasn't as concerned about that connection if the community didn't want it; and Public Works didn't want it for engineering reasons. DelDOT suggested it but it is not part of DelDOT's domain so, if the Commission felt that they didn't want that condition included in your recommendation, you are free to take it out.

Ms. Dressel: Another comment was made about potentially putting a fence here and that, to me, would just be more of a nuisance fence that would encourage people to kind of cross over there. I walked the property today, too, and yes, it is open, but it didn't look like it was a heavily traveled area. So, I don't know whether the Commission has feelings one way or another about that.

Mr. Bowman: It's the people in the neighborhood that would have the feelings and that needs to be worked out ultimately.

MOTION BY DRESSEL, SECONDED BY JOHNSON THAT THE PLANNING COMMISSION MAKES THE FOLLOWING RECOMMENDATIONS TO CITY COUNCIL:

- A. CITY COUNCIL APPROVE THE REZONING OF THE .510 ACRE AT 129 – 147 AND 153 ELKTON ROAD FROM BC TO BB AND THE 1.312 ACRES AT 163 ELKTON ROAD FROM RM TO BB, SHOWN ON THE ATTACHED PLANNING AND DEVELOPMENT EXHIBIT A DATED, JUNE 18, 2012; AND,
- B. CITY COUNCIL APPROVE THE SOUTH MAIN STREET PLAZA AND CHIMNEY RIDGE HILLCREST ASSOCIATES MAJOR SUBDIVISION PLAN DATED JULY 20, 2011 WITH REVISIONS THROUGH APRIL 18, 2012, WITH THE SUBDIVISION ADVISORY COMMITTEE RECOMMENDED CONDITIONS AND THE ADDITIONAL RESTRICTION THAT FOR 2 OR MORE BEDROOM APARTMENT UNITS IN THE BB ZONE BE RESTRICTED TO AN OCCUPANCY OF NOT MORE THAN ONE PERSON PER BEDROOM; AND,
- C. THAT CITY COUNCIL APPROVE A SPECIAL USE PERMIT FOR APARTMENTS, AS SHOWN ON THE HILLCREST ASSOCIATES PLAN DATED JULY 20, 2011, WITH REVISIONS THROUGH APRIL 18, 2012; AND,
- D. THAT CITY COUNCIL RESTRICT THE APARTMENT UNITS TO ONE PERSON PER BEDROOM.

VOTE: 3-1

AYE: BOWMAN, DRESSEL, JOHNSON

NAY: BRILL

ABSENT: BEGLEITER, BROWN, SHEEDY

MOTION PASSED

3. CONVERSATION REGARDING THE FUNDAMENTALS OF COMPREHENSIVE PLANNING AND THE CITY'S COMPREHENSIVE DEVELOPMENT PLAN UPDATE.

[Secretary's Note: Mr. Fortner referred to a PowerPoint presentation that he prepared for his presentation to the Planning Commission].

Mr. Mike Fortner: A Comprehensive Plan is an adopted official statement of the local government's legislative body for future development and conservation and it sets forth goals, analyzes existing conditions and trends and describes and illustrates a vision for the physical, social and economic characteristics of the community in the years ahead and it also outlines policies and guidelines intended to implement that vision.

Six Reasons to Prepare a Comprehensive Plan.

1. It is a chance to see the big picture.
 - A. It is a chance to look broadly at programs – everything from housing, economic development, public infrastructure and services, environmental protection and natural and human made hazards.
 - B. It is an opportunity to look at the big picture of the community and how we fit into the region and the state.
2. It is to coordinate local decision making within a broad range, adoption of a series of goals and policies that guide the local government and its daily decisions. It brings together all the different city departments and various state agencies. For example, how a local government would use a comprehensive plan for locating, financing and sequencing public improvements, devising and administering regulations such as zoning and subdivision controls, and also where to redevelop.
3. It gives guidance to landowners and developers. The private sector uses the Comprehensive Plan to see where the community is headed in terms of its physical development, social and economic and transportation future. It is a statement of how the local government intends to use public investment and land development controls.
4. It establishes a sound basis for fact and decision. The process that we go through is a collection of a lot of information gathering and analysis and it is to improve your ability to give factual basis for land use decisions. It is a tool that establishes a baseline for public policies. It provides a consistency to government action and also limits arbitrariness.
5. It involves a broad range interest in a discussion about long-range future of land use. It is going to bring together elected officials and appointed officials. It brings together all the city staff, the citizens, the business community, non-governmental organizations, and faith based groups. They all come together to discuss the physical, environmental, social and economic development problems and opportunities and helps clarify our ideals of where we would like our community to go.
6. It builds informed constituency. The process involves a lot of workshops, public hearings, surveys, public meetings and it permits a two-way dialog conversation. It is going to present a vision of the community and how to achieve it and it is a blueprint for reflecting the shared values of our community at a specific point in

time. This process will equal more informed constituency and they can be more involved in the planning process, review proposal and collaboration to implement the plan.

Elements of the Comprehensive Plan

As you see, it indicates whether it is a State requirement. I use three stars to indicate that the State requires us to put this in the plan, two stars means the State is strongly suggesting that we put this in the Plan, and one star means that they encourage us to put it in the Plan, but it is completely optional. Of course, we have to have public participation. It is good to involve them early in the process. The State suggests that we create a public participation summary and the results of how we interacted with the public and conducted a public participation process. We collect population data and analysis from the census and other sources but we have to come up with population projections that we get from the Delaware Population Consortium, we also include demographics and it also suggests that we look at our past population trends and give some analysis of it.

It requires us to come up with an affordable housing plan and also encourages us to look at our housing stock – the age, what types of housing we have, the character of the housing. Also, it looks at our housing pipeline, about what things we have approved that haven't been built yet that will be built in the future, and it encourages us to do a housing needs assessment – what kind of housing do we need in the future.

It requires us to do an annexation plan to look at the land adjacent to us and give analysis of where we might like to annex and also do an analysis of the surrounding land areas.

It also requires us to do a redevelopment potential plan, so we have to develop a redevelopment strategy and a community development strategy. It strongly suggests that we identify redevelopment areas and issues.

Community Character – We look at the physical conditions of the community, infrastructures, significant natural features, our community's character, our historical and cultural resources plan, develop a community design plan and an environmental protection plan – all are required. It also strongly suggests we do a history of our town.

We do a land use plan. This involves a map of our existing land uses. We look at each parcel and how we want that land to develop.

Critical community development and infrastructure issues – this most specifically is on water and wastewater plan and transportation plan. It looks at its current adequacy and its capacity for our growth. Again, a community development plan is required, a community facilities plan and, of course, we are encouraged to do a review of community conditions, inventory of community infrastructure and an inventory and analysis of community services.

Intergovernmental coordination – a description of how we interact with the County and the State and other agencies. Intergovernmental coordination strategy – our strategy for doing that, and an analysis comparison of other relevant planning documents, and economic conditions, economic based employers, what are our major employers, what is the economic character of our community. We will put in an analysis of income and poverty in our community, an economic development plan, and an analysis of our labor market.

Open Space and Recreation – First of all, we have to come up with a plan and also do an inventory of open space and recreation facilities and an implementation strategy where we have to show how we are going to make changes, if necessary, to our zoning map, zoning and subdivision code revisions, implementation plan and coordination with other government agencies.

I provided a sheet with a couple of website addresses. As a next step to help us get ready for creating the update of the plan, it is recommended that we, first of all, reread our current Comprehensive Plan IV from October of 2008 and think about what we like or don't like or what things still apply and what things may not apply and how we have progressed with that plan. Also, it suggests that we read maybe three comprehensive plans from other communities. I have provided a website at the State of Delaware Office of State Planning Coordination. You can access every municipality in Delaware's comprehensive plan through that site. I can email these links to you if that is easier. Also, the Institute of Public Administration has a link where they link up to several of the comprehensive plans. Of course, you don't have to limit yourself to Delaware, but if there is another community you might be interested in, you can read their comprehensive plan. It is pretty common for municipalities to have comprehensive plans throughout the country. The reason for that is to really think outside the box of what we have done and look at other communities and look at what they have done and find out what you like better than ours or what they don't do as well. I want this document to be a document that you have guided us through and created and how you want to present our Comprehensive Plan by looking at what other communities are doing.

Last month I gave an introduction to the update process and this presentation I call "Fundamentals of Comprehensive Plans and Planning." In August, I would like to come back to you with a public participation plan. I would like to review with you different types of ways to interact and engage with the public, different types of meeting options we could do to engage the public and get them involved with the process. In September, we are going to finalize a plan for planning – our strategy for implementing what we are going to do in terms of creating this plan.

The basic timeline I have envisioned:

- September - January (Core development of the plan. We will be gathering lots of information about trends and assessments, getting all the census data, begin doing issue identification, visioning, and a strategy for implementing some of our ideas.
- February-March – This is when we will get into the real core of the plan, writing and assembling it into a document.
- April-June – Having public hearings on the plan, and ultimately coming for a final recommendation that will be given to Council.
- July-September – We will give it to Council for their review and final adoption of the plan by September.

Ms. Feeney Roser: It is due in October, 2013.

Mr. Fortner: Yes, it is due in October.

Mr. Bowman: Every person on the Commission has an opportunity to participate in this process. I have been through it several times now. We do get into some interesting discussions. It is a good way to learn a lot about the community and what we need to do in the future. So, I would encourage any and everybody on the Commission to participate as they can. It is an interesting process.

Does anyone have questions for Mike?

Mr. Johnson: Does the State require every city to look at an annexation plan.

Mr. Fortner: Yes, adjacent areas. It at least involves looking at the areas and doing some analysis on how you would like to see that developed. It can even get into more detail. What they strongly encourage you to do is to look at what areas you really think you would like to develop in the future or at least annex in the future.

Mr. Johnson: Suppose you don't want to annex anything?

Mr. Fortner: That could be part of the plan, but it still does require you to look at the surrounding areas and give an assessment of it whether you annex it or not.

Mr. Bowman: In my time on the Commission we have annexed a number of single properties and we have also annexed some fairly sizable properties but not gobbled up a lot. The last one was the new military center over on off of Rt. 273.

Mr. Fortner: These types of things affect us even if we don't annex because, let's say, there was a large development there, it could create different traffic problems for us. So, it is a chance for us to kind of look at what is around us and how things could develop and how we would like to see them develop. It can affect the State strategy in terms of how they determine their goal areas.

Mr. Bowman: If I am correct, that is a two-way street. People can petition the City to be annexed. It could be anything from a single property to a whole development to whatever. In a large part, the ones we have seen have been petitions to get City services such as sewer. That is the big one. They may go the other way. If the City sees something that we would like to annex for revenue and taxation purposes. That could happen.

Ms. Feeney Roser: We can't just add the property.

Ms. Bowman: It has to be agreed to by surrounding property owners for sure, but there are a number of ways that can be driven. It can be City driven. It can be developer driven. It can be citizen driven. That is what makes it interesting.

There being no further business, the meeting adjourned at 8:33 p.m.

Respectfully Submitted,

Elizabeth Dowell
Secretary to the Planning Commission